

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDSEY KINNEY,

Defendant.

CRIMINAL NO. 22-00031 DKW

**COURT’S RESPONSE TO JURY
NOTE #1**

The question in Jury Note #1, dated February 8, 2023, at 9:15 a.m. reads:
“What [are] the consequences if the jurors cannot unanimously agree on one of the
two counts?”

Court’s Response:

The jury’s duty is to deliberate in an effort to reach unanimous agreement on
each count if the jury can do so without violence to individual judgment. *See* Jury
Instruction No. 22. If unanimous agreement cannot be reached, the consequences
of that inability are not to be considered by the jury for any purpose.